


United States Court of Appeals
FIFTH CIRCUIT
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March 11, 2009

Mr. William Putnicki
Western District of Texas, El Paso
United States District Court
511 E. San Antonio Street
Room 108
El Paso, TX 79901-0000

No. 08-50151, USA v. De Acosta
USDC No. 3:06-CR-517-1

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

CHARLES R. FULBRUGE III, Clerk



By: _____
Shawn D. Henderson, Deputy Clerk
504-310-7668

cc: w/encl:
Mr. Joseph H Gay Jr.
Mr. Jose Montes Jr.

MDT-1

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

UNITED STATES OF AMERICA

v.

AMELIA PEREZ DE ACOSTA

§
§
§
§
§

NO. 08-50151

U. S. COURT OF APPEALS
FILED

MAR 09 2009

CHARLES R. FULBRUGE III
CLERK

MOTION TO VOLUNTARILY DISMISS APPEAL

TO THE HONORABLE JUDGES OF SAID COURT:

Comes now, the Appellant, Amelia Perez De Acosta, and Jose Montes, Jr., Court appointed counsel for Appellant, Amelia Perez De Acosta, and move the Court to dismiss her appeal and would respectfully show the Court as follows:

I.

Appellant has advised the undersigned counsel that she does not wish to pursue this appeal and requests that this Court dismiss her appeal so that she may pursue her Motion under 28 U.S.C. § 2255 in the United States District Court for the Western District of Texas El Paso Division.

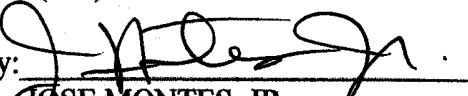
II.

Appellant has approved this Motion as evidenced by her signature herein.

WHEREFORE PREMISES CONSIDERED, Appellant and the undersigned counsel request that this Court dismiss Appellant's Appeal.


Respectfully submitted,

JOSE MONTES, JR.
1155 Westmoreland Dr., Suite 120
El Paso, Texas 79925
Tel. (915)881-8600
Fax. (915)881-8787

By: 
JOSE MONTES, JR.
Texas Bar No. 14284600

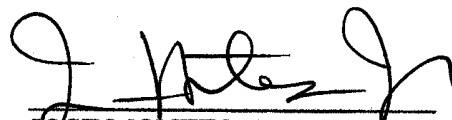
Attorney for Defendant-Appellant,
Amelia Perez De Acosta

APPROVED AND CONSENTED
AS TO FORM AND SUBSTANCE:


Amelia Perez De Acosta, Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2009, a true and correct copy of the foregoing Motion was mailed to the office of the United States Attorney for the Western District of Texas, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216.


JOSE MONTES, JR.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 08-50151

UNITED STATES OF AMERICA,

Plaintiff - Appellee

versus

AMELIA PEREZ DE ACOSTA,

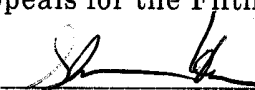
Defendant - Appellant

Appeal from the United States District Court for the Western District of Texas at El Paso

Pursuant to appellant's motion this appeal is dismissed this 11th day of
March, 2009 , see FED. R. APP. P. 42(b).

CHARLES R. FULBRUGE III

Clerk of the United States Court
of Appeals for the Fifth Circuit

By: 
Shawn D. Henderson, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

DIS4